

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RONALD K. LINDE, MAXINE H. LINDE,
THE RONALD AND MAXINE LINDE
FOUNDATION, Individually and On Behalf
of All Others Similarly Situated,

Plaintiffs,

v.

FIFTH STREET ASSET MANAGEMENT
INC., LEONARD M. TANNENBAUM,
BERNARD D. BERMAN, ALEXANDER C.
FRANK, STEVEN M. NOREIKA, WAYNE
COOPER, MARK J. GORDON, THOMAS L.
HARRISON and FRANK C. MEYER,

Defendants.

Case No. 1:16-cv-01941-LAK

**NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF THE PROPOSED
SETTLEMENT, CLASS CERTIFICATION AND THE PLAN OF ALLOCATION**

TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that, pursuant to the Court's Order Provisionally Certifying Settlement Class and Approving Notice to Settlement Class ("Notice Order," Dkt. No. 52), on February 16, 2017 at 9:30 a.m., before the Honorable Lewis A. Kaplan, in Courtroom 21B of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, Lead Plaintiffs Kieran and Susan Duffy ("Lead Plaintiffs")¹ will and hereby do move the Court to: (1) grant final approval of the Settlement in the above-captioned action on the terms set forth in the Stipulation; (2) certify the Settlement Class; and (3) approve the proposed Plan of Allocation for distribution of the Settlement Fund. This motion is based on this Notice of Motion; the Memorandum of Points and Authorities in Support Thereof; the Declaration of Lionel Z. Glancy in Support of: (I) Lead Plaintiffs' Motion for Final Approval of the Proposed Settlement, Class Certification and the Plan of Allocation; and (II) Lead Counsel's Motion for an Award of Attorneys' Fees and Litigation Expenses; the exhibits thereto; all pleadings and papers filed herein; arguments of counsel; and any other matters properly before the Court.

Lead Counsel is unaware of any opposition to this motion. Pursuant to the Notice Order, any objection to any aspect of the Settlement or the Plan of Allocation must be filed on or before January 26, 2017. To date, no objections have been filed.

Proposed orders granting the requested relief will be submitted with Lead Plaintiffs' reply papers after the deadlines for objecting to the Settlement and requesting exclusion from the Settlement Class have passed.

¹ All capitalized terms that are not otherwise defined herein have the same meanings as set forth in the Stipulation of Settlement dated July 27, 2016 ("Stipulation") that was filed with the Court on September 23, 2016. Dkt. No. 45-1.

Respectfully submitted,

DATED: January 12, 2017

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*Lead Counsel for Lead Plaintiff Kieran Duffy
and Susan Duffy and for the Class*

PROOF OF SERVICE

I, the undersigned say:

I am not a party to the above case and am over eighteen years old.

On January 12, 2017, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Southern District of New York, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 12, 2017, at Los Angeles, California.

s/ Lionel Z. Glancy
Lionel Z. Glancy

Mailing Information for a Case 1:16-cv-01941-LAK Linde et al v. Fifth Street Asset Management, Inc. et al

Electronic Mail Notice List

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Manual Notice List

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- (No manual recipients)